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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,078	09/25/2003	Robert Parlee	parlee01.005	5824

25247 7590 11/26/2007
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EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,078	PARLEE, ROBERT	
	Examiner	Art Unit	
	Allan Kuhns	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 20, 23 and 25-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The reasons for this rejection are as set forth in the previous Office action.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (5,019,312) in view of Trimble (4,986,949) as set forth in the previous Office action.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop in view of Trimble as applied to claims 25, 26 and 29 above, and further in view of Baron (4,954,209) as set forth in the previous Office action.

5. Applicant's arguments filed September 14, 2007 have been fully considered but they are not persuasive. Applicant discusses some points of law regarding the written description requirement and notes that the issue with respect to the rejection based on 35 U.S.C. 112 is whether the specification as filed discloses molds having abutting parting planes. Applicant then presents arguments in support of his position at page 2, line 20 through page 3, line 4. These arguments are focused on the disclosure in

Figures 6-9. The examiner has again reviewed these figures and is maintaining the previously set forth position that specific elements (particularly in figures 602 and 703) are simply not designated in order to permit an inference that the molds have abutting parting planes.

Applicant also notes that claim 25 was amended on October 23, 2006 to include the aspect of "the applied mold's inner surface completely enclosing the lay-up and the tubes at the joint" and that the examiner raised no issues concerning that language under 35 U.S.C. 112, first paragraph. But the language recited above is not synonymous with "a mold having abutting parting planes" (assuming that is what is being implied by Applicant). Applicant's attorney further notes that in discussing what the above language (on lines 2 and 3 of this paragraph) meant, it was the examiner who suggested that what was being described (in an argument meant to distinguish the instantly claimed method from the method of Bishop) was a mold with abutting parting planes. But if that's what the above language meant, there would have been no reason for Applicant to add the disputed language concerning abutting parting planes. The examiner was merely stating that Applicant appeared to be arguing that the parting planes in his method were abutting and that in the method of Bishop, the parting planes did not abut. The examiner at that time did not make any judgement concerning whether or not the language now at issue was supported by Applicant's disclosure as filed.

The examiner also disagrees with Applicant's assertion that molds having abutting parting planes is inherent in the specification as filed's description of the

manner in which the mold are used and the manner in which the lay-up is wrapped.

The examiner disagrees because it is the examiner's position that a portion of a mold which forms a parting plane can properly be construed as forming a portion of an inner surface of a mold.

Concerning the rejection based on Bishop in view of Trimble, Applicant argues that the difficulty with combining Bishop and Trimble is that Trimble's technique of compressing the lay-up by inflating a balloon inside a mold is not usable in a frame having tubes since the lay-up would not be compacted. But Bishop, not Trimble, is the primary reference. The examiner position was (and is) that it would have been obvious to one of ordinary skill in the art to substitute the positioning technique of Trimble for that of Bishop so that layers not extend into the parting plane such that flash is eliminated or reduced.

Applicant further presents an argument concerning rubber sheets of Bishop. This argument is not understood by the examiner since it appears to the examiner that Applicant intended to refer to the Baron reference.

6.THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

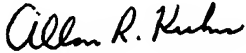
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ALLAN R. KUHN
PRIMARY EXAMINER AU 1791